

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 09/919,747  
Inventor: Joseph C. Murray  
Filing Date: 08/01/2001  
Title: Insulating Packaging Material and  
Related Packaging System

**SUPPLEMENTAL DECLARATION OF BARRY E. NEGRIN**

1. I am one of the current patent attorneys for ThermaFreeze Products Corporation (“ThermaFreeze”) and Joseph C. Murray (“Mr. Murray”). I am submitting this declaration to provide factual support for the Petition for Reconsideration to Revive U.S. Application No. 09/919,747 (“the ‘747 application”).
2. ThermaFreeze is the owner of the ‘747 application. The assignment of the ‘747 application to ThermaFreeze by Mr. Murray was recorded at reel 020273, frame 0876. Attached as Exhibit A is a true and correct copy of a printout of the assignment information for the ‘747 application as it appears on the USPTO website’ “Patent Assignment Query Menu” engine. This data was extracted on February 19, 2009.
3. Attached as Exhibit B is a true and correct copy of a printout of the detailed information of patent attorney C. Emmett Pugh as it appears on the USPTO website’s “Patent Attorney/Agent Search” engine. This data was extracted on February 19, 2009. The address listed for Mr. Pugh is the same Connecticut address that he seems to have been using since approximately 2004. No forwarding information is provided.

4. On December 5, 2008, at approximately 10:35am, I telephoned 860-668-2433, the number currently and then listed as the primary telephone for Mr. Pugh from the USPTO attorney database. An answering machine picked up, and I left a detailed message concerning attempting to contact Mr. Pugh. To this day, no one has returned that telephone call. That was only the most recent call I have made to that number; I placed several in November and December 2007 around the time I was working on preparing the initial petition to revive the '747 application.

5. Attached as Exhibit C is a true and correct copy of the "Home Page" and "Profiles" sections of the website found at the URL [www.patentlaw.com](http://www.patentlaw.com) as it appeared on February 19, 2009. It does not appear to have been updated in several years. It bears the same telephone number, 860-668-2433, that I telephoned previously and that appears on the USPTO attorney database.

6. Attached as Exhibit D is a true and correct copy of a letter I sent to Mr. Pugh via facsimile and first class mail on November 2, 2007. The second page of Exhibit D is a true and correct copy of a fax confirmation sheet my fax machine generated, indicating that the facsimile had successfully been sent to 860-371-2216. This is the same fax number shown on the current "Home Page" of the patentlaw.com website of Exhibit C and that appears in the USPTO's attorney database as shown in Exhibit B.

7. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further

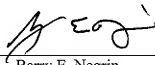
**Supp'l Declaration of Barry E. Negrin  
In Support of Petition to Revive  
U.S. Patent Appl'n No. 09/919,747**

that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent(s) issued thereon.

Executed in New York, NY

Date: February 19, 2009

By:



Barry E. Negrin

## **EXHIBIT A**



## United States Patent and Trademark Office

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## Assignments on the Web &gt; Patent Query

## Patent Assignment Abstract of Title

**NOTE: Results display only for issued patents and published applications.  
For pending or abandoned applications please consult USPTO staff.**

## Total Assignments: 1

Patent #: NONE

Issue Dt:

Application #: 09919747

Filing Dt: 08/01/2001

Publication #: 20030087051

Pub Dt: 05/08/2003

Inventor: Joseph C. Murray

Title: Insulating packaging material and related packaging system

## Assignment: 1

Reel/Frame: 020273/0876

Recorded: 12/19/2007

Pages: 3

Conveyance: ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS).

Assignor: MURRAY, JOSEPH C

Exec Dt: 12/18/2007

Assignee: THERMAFREEZE PRODUCTS CORPORATION

5770 I-10 INDUSTRIAL PARKWAY, NORTH

THEODORE, ALABAMA 36582

Correspondent: BARRY E. NEGRIN

CUSTOMER NO. 67883 - PRYOR CASHMAN LLP

410 PARK AVENUE - 10TH

NEW YORK, NY 10022

Search Results as of: 02/19/2009 10:52 AM  
If you have any comments or questions concerning the data displayed, contact PRD / Assignments at 571-272-3350.  
Web Interface last modified: October 18, 2006 v.2.0.2

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## **EXHIBIT B**



## United States Patent and Trademark Office

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<b>Last Name</b>	Pugh
<b>First Name</b>	C
<b>Middle Name</b>	Emmett
<b>Suffix</b>	
<b>Firm Name</b>	
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<b>State/Province</b>	CT
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<b>Country</b>	US
<b>Primary Telephone</b>	(860) 668-2433
<b>Registration Number</b>	22826
<b>Attorney/Agent</b>	ATTORNEY
<b>Date Registered as Agent</b>	10/08/1965
<b>Date Registered as Attorney</b>	06/03/1966

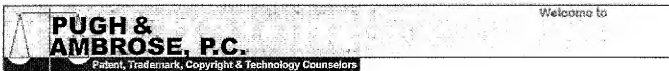
Data extracted on Thu Feb 19 11:12:58 EST 2009

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Last Modified: 02/19/2009 EST

## **EXHIBIT C**



**Home** | **LEGAL REPRESENTATION**

Serving The UNITED STATES, CANADA &amp; MEXICO, EUROPE, FAR EAST, CENTRAL AMERICA &amp; SOUTH AMERICA.

Welcome to the web site of Pugh & Ambrose, P.C. We are here to help, and we want to be able to better guide you to the information for which you are looking. If you have any questions that we did not answer on this site, please contact us at +1.860.668.2433 (Connecticut) or by fax at +1.860.371.2216 or e-mail at [epugh@PatentLaw.com](mailto:epugh@PatentLaw.com)

pages designed



We are a  
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## PUGH & AMBROSE, P.C.

Patent, Trademark, Copyright & Technology Counselors

Welcome to

### Profiles | LEGAL REPRESENTATION

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Pugh & Ambrose, P.C., is a professional corporation formed under the District of Columbia (U.S.A.) Professional Corporation Act. It currently maintains offices in New England (Suffield, CT). The firm enjoys an "av" rating (highest rating available) from Martindale-Hubbell, the National Lawyer rating organization. (CEP)

### ATTORNEYS

- Senior Patent Attorney & Litigation Leader
- Senior Technology Attorney & Litigation Leader
- Of Counsel Patent Attorneys

#### Senior Patent Attorney & Litigation Leader

**C. EMMETT PUGH (REGISTERED PATENT ATTORNEY)**, born New Orleans, Louisiana; admitted to bar, Louisiana, Court of Appeals for the Federal Circuit (replaced Court of Customs & Patent Appeals) and U.S. Tax Court; District of Columbia; admitted to practice before U.S. Patent & Trademark Office and U.S. Supreme Court. Preparatory education, Loyola University of New Orleans (B.S. - Physics, with honors); legal education, Georgetown University (LL.B/J.D.); Patent Examiner, U.S. Patent Office (1.5 yrs). Associated with patent litigation firms, Washington, D.C. (2.5 yrs.). Private specialized patent practice in Louisiana & Connecticut (25+ yrs. experience). Personally rated "av" - highest rating possible by Martindale-Hubbell, Named "Lawyer Advocate of the Year (LA, 1981)" by U.S. Small Business Administration; named Founding Chairman, Louisiana Small Business Equity Corporation by Governor David C. Treen to promote the formation of venture capital in the State of Louisiana (1981-1984); Adjunct Professor of Law, Loyola University [patent, trademark and copyright law (1986)]. Honorary fraternities: Delta Theta Phi, Sigma Pi Sigma; Alpha Sigma Nu (Jesuits' Phi Beta Kappa); Blue Key. Member, Louisiana State Bar Association, District of Columbia Bar Association, American Bar Association, and founding President, American Society of Innovators in Technology, Inc. Has served as trial attorney in federal courts of California, New York, Illinois, Texas, Louisiana, Mississippi, Alabama, Missouri, Rhode Island, Washington, D.C., etc., in various patent, trademark and copyright causes and other commercial litigation (RICO, antitrust, contract, real estate lease, etc.) and successfully appeared before the U.S. Supreme Court in a patent case.

*Mr. Pugh is a member of the U.S. Patent Bar, and the District of Columbia and the Louisiana Bars only.*

#### Senior Technology Attorney & Litigation Leader

**JOHN J. AMBROSE, Jr.** (now deceased).

#### Of Counsel Patent Attorneys

## **EXHIBIT D**



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New York | Los Angeles

[www.pryorcashman.com](http://www.pryorcashman.com)

**Barry E. Negrin**  
Partner

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November 2, 2007

**URGENT**

-1 PAGE-

VIA FACSIMILE (860-371-2216)

C. Emmett Pugh, Esq.  
Pugh & Ambrose, PC  
82 North Main Street  
Suffield, CT 06078-2102

Re: ThermaFreeze/Murray files

Dear Mr. Pugh:

My firm has been retained by ThermaFreeze Products Corporation and Mr. Joe Murray to handle their patent and other intellectual property needs. We have filed Powers of Attorney concerning four issued US patents and one US patent application your firm handled on their behalf. We are trying to reach you to retrieve those files, as well as the foreign patent application files. Three of the US patents had been abandoned for failure to pay the maintenance fees. We have revived one of them on 'unintentional' grounds, and we need to revive the rest based on 'unavoidable' grounds. In any event, since we are now handling these cases, we require the files. I can forward copies of the signed Powers of Attorney if you prefer.

Please contact me as soon as possible to arrange transfer of these files.

Very truly yours,

Barry E. Negrin

Confirmation Report - Memory Send

Time : 11-02-2007 04:26pm  
Tel line : +12123260806  
Name : PRYOR CASHMAN LLP

Job number : 562  
Date : 11-02 04:25pm  
To : #142  
Document pages : 001  
Start time : 11-02 04:25pm  
End time : 11-02 04:26pm  
Pages sent : 001  
Status : OK  
Job number : 562

\*\*\* SEND SUCCESSFUL \*\*\*



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bnegrin@pryorcashman.com

November 2, 2007

VIA FACSIMILE (860-371-2216)

C. Emmet Pugh, Esq.  
Pugh & Ambrose, PC  
82 North Main Street  
Suffield, CT 06078-2102

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